

DOCKET NO.: ISIS-5315

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

C. Frank Bennett, et al.

Application No.: 10/698,689

Filing Date: October 31, 2003

For: ANTISENSE MODULATION OF CD40 EXPRESSION

Confirmation No.: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

DATE OF DEPOSIT:

December 12, 2003

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Elizabeth A. McLoud

TYPED NAME: Elizabeth A. McLoud

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date

of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with the first or second After Final Submission, therefore:
 - Certification in Accordance with § 1.97(e) is attached; or
 - The fee of \$180.00 as set forth in § 1.17(p) is attached.
- In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:
 - Certification in Accordance with § 1.97(e) is attached;
 - or
 - The fee of \$180.00 as set forth in § 1.17(p) is attached.
- In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).
- Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

- Copies of references listed on the attached Form PTO-1449 are enclosed herewith
- Copies of references listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

EXCEPT THAT:

- In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
 - Copies of references **1-65, 75-282 and 306-315** listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No. **09/067,638**, filed **April 28, 1998**; copies of references **66-74, 283-305 and 316-319** listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No. **10/261,382**, filed **September 30, 2002**.

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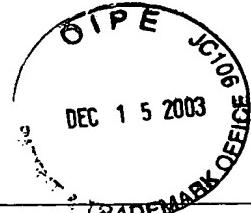
- The relevance of those listed references which are not in the English language is as follows:
- There are no listed references which are not in the English language.

Date: 12/11/03

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Form PTO-1449 Modified		Docket No. ISIS-5315	Application No. 10/698,689
List of Patent and Publications Cited by Applicant (Use several sheets if necessary)		Applicant C. Frank Bennett, et al.	
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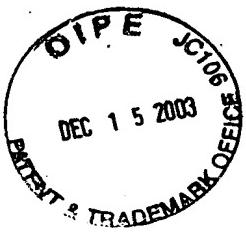
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	120	5,254,469	10/19/93	Warren, III et al.	435	188
	121	5,256,775	10/26/93	Froehler	536	25.6
	122	5,258,506	11/02/93	Urdea et al.	536	23.1
	123	5,262,536	11/16/93	Hobbs, Jr.	546	25
	124	5,264,423	11/23/93	Cohen et al.	514	44
	125	5,264,562	11/23/93	Matteucci	536	23.1
EXAMINER			DATE CONSIDERED			



Form PTO-1449 Modified		Docket No. ISIS-5315	Application No. 10/698,689
List of Patent and Publications Cited by Applicant (Use several sheets if necessary)		Applicant C. Frank Bennett, et al.	
U.S. Department of Commerce Patent and Trademark Office		Filing Date October 31, 2003	Group Not Yet Assigned
		Confirmation No. Not Yet Assigned	

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	126	5,264,564	11/23/93	Matteucci	536	23.1
	127	5,272,250	12/21/93	Spielvogel et al.	530	300
	128	5,276,019	01/04/94	Cohen et al.	514	44
	129	5,278,302	01/11/94	Caruthers et al.	536	24.5
	130	5,286,717	02/15/94	Cohen et al.	514	44
	131	5,292,873	03/08/94	Rokita et al.	536	24.3
	132	5,317,098	05/31/94	Shizuya et al.	536	23.1
	133	5,319,080	06/07/94	Leumann	536	27.1
	134	5,321,131	06/14/94	Agrawal et al.	536	25.34
	135	5,352,775	10/04/94	Albertsen, et al.	536	23.1
	136	5,359,044	10/25/94	Cook et al.	536	23.1
	137	5,366,878	11/22/94	Pederson et al.	435	91.3
	138	5,367,066	11/22/94	Urdea et al.	536	24.3
	139	5,371,241	12/06/94	Brush	549	220
	140	5,378,825	01/03/95	Cook et al.	536	25.34
	141	5,386,023	01/31/95	Sanghvi et al.	536	25.3
EXAMINER			DATE CONSIDERED			



Form PTO-1449 Modified		Docket No. ISIS-5315	Application No. 10/698,689
List of Patent and Publications Cited by Applicant (Use several sheets if necessary)		Applicant C. Frank Bennett, et al.	
U.S. Department of Commerce Patent and Trademark Office		Filing Date October 31, 2003	Group Not Yet Assigned
		Confirmation No. Not Yet Assigned	

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	142	5,391,723	02/21/95	Priest	536	23.1
	143	5,393,878	02/28/95	Leumann	536	28.2
	144	5,399,676	03/21/95	Froehler	536	23.1
	145	5,403,711	04/04/95	Walder et al.	435	6
	146	5,405,938	04/11/95	Summerton et al.	528	406
	147	5,405,939	04/11/95	Suhadolnik et al.	530	322
	148	5,407,794	04/19/95	Cuting, et al.	435	6
	149	5,414,077	05/09/95	Lin et al.	536	24.3
	150	5,416,203	05/16/95	Letsinger	536	25.34
	151	5,432,272	07/11/95	Benner	536	25.3
	152	5,434,257	08/18/95	Matteucci et al.	536	24.3
	153	5,436,327	07/25/95	Southern et al.	536	25.34
	154	5,446,137	08/29/95	Maag et al.	536	23.1
	155	5,451,463	09/19/95	Nelson et al.	428	402
	156	5,453,496	09/26/95	Caruthers et al.	536	24.5
	157	5,455,233	10/03/95	Spielvogel et al.	514	44
	158	5,457,187	10/10/95	Gmeiner et al.	536	25.5
EXAMINER				DATE CONSIDERED		



Form PTO-1449 Modified		Docket No. ISIS-5315	Application No. 10/698,689
List of Patent and Publications Cited by Applicant (Use several sheets if necessary)		Applicant C. Frank Bennett, et al.	
U.S. Department of Commerce Patent and Trademark Office		Filing Date October 31, 2003	Group Not Yet Assigned
		Confirmation No. Not Yet Assigned	

U. S. PATENT DOCUMENTS

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	159	5,459,255	10/17/95	Cook et al.	536	27.13
	160	5,463,564	10/31/95	Agrafiotis, et al.	364	496
	161	5,463,567	10/31/95	Rice	375	200
	162	5,466,677	11/14/95	Baxter et al.	514	44
	163	5,466,786	11/14/95	Buhr et al.	536	26.26
	164	5,470,967	11/28/95	Huie et al.	536	24.3
	165	5,472,672	12/05/95	Brennan	422	131
	166	5,476,925	12/19/95	Letsinger et al.	536	23.1
	167	5,484,908	01/16/96	Froehler et al.	536	24.31
	168	5,486,603	06/23/96	Buhr	536	24.3
	169	5,489,677	02/06/96	Sanghvi et al.	536	22.1
	170	5,491,133	02/13/96	Walder et al.	514	44
	171	5,502,177	03/26/96	Matteucci et al.	536	26.6
	172	5,507,796	04/16/96	Hasson	606	148
	173	5,508,270	04/16/96	Baxter et al.	514	47
	174	5,510,475	04/23/96	Agrawal et al.	536	24.3
	175	5,512,439	04/30/96	Hornes et al.	435	6
EXAMINER			DATE CONSIDERED			



Form PTO-1449 Modified			Docket No. ISIS-5315	Application No. 10/698,689		
List of Patent and Publications Cited by Applicant (Use several sheets if necessary)			Applicant C. Frank Bennett, et al.			
			Filing Date October 31, 2003	Group Not Yet Assigned		
			Confirmation No. Not Yet Assigned			
U. S. PATENT DOCUMENTS						
Examiner Initial		Document No.	Date	Name	Class	Subclass
	176	5,512,667	04/30/96	Reed et al.	536	24.31
	177	5,514,785	05/07/96	Van Ness et al.	536	22.1
	178	5,519,126	05/21/96	Hecht	536	24.3
	179	5,519,134	05/21/96	Acevedo et al.	544	243
	180	5,523,389	06/04/96	Ecker et al.	536	23.1
	181	5,525,465	06/11/96	Haralambidis et al.	435	6
	182	5,525,711	06/11/96	Hawkins et al.	536	22.1
	183	5,529,756	06/25/96	Brennan	422	131
	184	5,536,821	07/16/96	Agrawal et al.	536	22.1
	185	5,539,082	07/23/96	Nielsen et al.	530	300
	186	5,541,306	07/30/96	Agrawal et al.	536	22.1
	187	5,541,313	07/30/96	Ruth	536	24.3
	188	5,541,307	07/30/96	Cook et al.	536	23.1
	189	5,543,508	08/06/96	Haseloff et al.	536	23.2
	190	5,545,730	08/13/96	Urdea et al.	536	28.51
	191	5,550,111	08/27/96	Suhadolnik et al.	514	44
EXAMINER			DATE CONSIDERED			



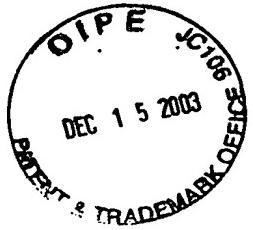
Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office		Docket No. ISIS-5315	Application No. 10/698,689		
		Applicant C. Frank Bennett, et al.			
		Filing Date October 31, 2003	Group Not Yet Assigned		
		Confirmation No. Not Yet Assigned			
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Examiner Initial	Document No.	Date	Name	Class	Subclass
192	5,552,538	09/03/96	Urdea et al.	536	24.3
193	5,552,540	09/03/96	Haralambidis	536	25.34
194	5,554,613	09/10/96	Mallion	514	253
195	5,561,225	10/01/96	Maddry et al.	536	23.1
196	5,563,036	10/08/96	Peterson et al.	435	6
197	5,563,253	10/08/96	Agrawal et al.	536	22.1
198	5,565,350	10/15/96	Kmiec	435	172.3
199	5,565,552	10/15/96	Magda et al.	534	11
200	5,567,810	10/22/96	Weis et al.	536	25.3
201	5,567,811	10/22/96	Misiura et al.	536	25.34
202	5,571,799	11/05/96	Tkachuk et al.	514	47
2-3	5,574,142	11/12/96	Meyer, Jr. et al.	536	23.1
204	5,574,656	11/12/96	Agrafiotis, et al.	364	500
205	5,576,427	11/19/96	Cook et al.	536	23.1
206	5,578,717	11/26/96	Urdea et al.	536	26.1
207	5,578,718	11/26/96	Cook et al.	536	27.21
208	5,580,731	12/03/96	Chang et al.	435	6
EXAMINER		DATE CONSIDERED			



Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office		Docket No. ISIS-5315	Application No. 10/698,689
		Applicant C. Frank Bennett, et al.	
		Filing Date October 31, 2003	Group Not Yet Assigned
		Confirmation No. Not Yet Assigned	

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209	5,585,481	12/17/96	Arnold, Jr. et al.	536	25.33
210	5,587,361	12/24/96	Cook et al.	514	44
211	5,587,371	12/24/96	Sessler et al.	514	185
212	5,587,469	12/24/96	Cook et al.	536	23.1
213	5,591,584	01/07/97	Chang et al.	435	6
214	5,591,722	01/07/97	Montgomery et al.	514	45
215	5,594,121	01/14/97	Froehler et al.	536	23.5
216	5,595,726	01/21/97	Magda et al.	424	9.61
217	5,596,086	01/21/97	Matteucci et al.	536	22.1
218	5,596,091	01/21/97	Switzer	536	24.5
219	5,597,696	01/28/97	Linn et al.	435	6
220	5,597,909	01/28/97	Urdea et al.	536	24.3
221	5,599,923	02/04/97	Sessler et al.	540	145
222	5,599,928	02/04/97	Hemmi et al.	540	474
223	5,602,240	02/11/97	De Mesmaeker et al.	536	23.1
224	5,608,046	03/04/97	Cook et al.	536	23.1
225	5,610,289	03/11/97	Cook et al.	536	25.34
226	5,610,300	03/11/97	Altmann et al.	544	244
EXAMINER			DATE CONSIDERED		



Form PTO-1449 Modified			Docket No. ISIS-5315	Application No. 10/698,689		
			Applicant C. Frank Bennett, et al.			
U.S. Department of Commerce Patent and Trademark Office			Filing Date October 31, 2003	Group Not Yet Assigned		
			Confirmation No. Not Yet Assigned			
U. S. PATENT DOCUMENTS						
Examiner Initial		Document No.	Date	Name	Class	Subclass
	227	5,612,455	03/18/97	Hoey	530	350
	228	5,614,617	03/25/97	Cook et al.	536	23.1
	229	5,618,704	04/08/97	Sanghvi et al.	435	91.5
	230	5,623,065	04/22/97	Cook et al.	536	23.1
	231	5,623,070	04/22/97	Cook et al.	536	27.6
	232	5,625,050	04/29/97	Beaton et al.	536	24.1
	233	5,627,053	05/06/97	Usman et al.	435	91.1
	234	5,633,360	05/27/97	Bischofberger et al.	536	22.1
	235	5,639,603	06/17/97	Dower, et al.	435	6
	236	5,639,873	06/17/97	Barascut et al.	536	25.3
	237	5,646,265	07/08/97	McGee	536	25.34
	238	5,650,122	07/22/97	Harris, et al.	422	81
	239	5,652,355	07/29/97	Metelev et al.	536	24.5
	240	5,652,356	07/29/97	Agrawal	536	24.5
	241	5,658,873	08/19/97	Bertsch-Frank et al.	510	375
	242	5,663,312	09/02/97	Chaturvedula	536	22.1
	243	5,670,633	09/23/97	Cook et al.	536	23.1
EXAMINER			DATE CONSIDERED			



Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary)			Docket No. ISIS-5315	Application No. 10/698,689		
			Applicant C. Frank Bennett, et al.			
			Filing Date October 31, 2003	Group Not Yet Assigned		
			Confirmation No. Not Yet Assigned			
U. S. PATENT DOCUMENTS						
Examiner Initial		Document No.	Date	Name	Class	Subclass
	244	5,677,437	10/14/97	Teng et al.	536	23.1
	245	5,677,439	10/14/97	Weis et al.	536	23.1
	246	5,681,941	10/28/97	Cook et al.	536	23.1
	247	5,684,711	11/04/97	Agrafiotis, et al.	364	500
	248	5,688,941	11/18/97	Cook et al.	536	25.3
	249	5,693,463	12/02/97	Edwards et al.	435	6
	250	5,696,248	12/09/97	Peyman et al.	536	22.1
	251	5,697,248	12/16/97	Brown et al.	73	290
	252	5,700,637	12/23/97	Southern	435	6
	253	5,700,920	12/23/97	Altmann et al.	536	221
	254	5,700,922	12/23/97	Cook	536	23.1
	255	5,708,158	01/13/98	Hoey	536	23.5
	256	5,714,331	02/03/98	Buchardt et al.	435	6
	257	5,716,780	02/10/98	Edwards et al.	435	6
	258	5,719,262	02/17/98	Buchardt et al.	530	300
	259	5,720,923	07/22/97	Harris, et al.,	422	68.1
	260	5,783,431	07/21/98	Peterson, et al.	435	172.3
EXAMINER			DATE CONSIDERED			



Form PTO-1449 Modified			Docket No. ISIS-5315	Application No. 10/698,689		
List of Patent and Publications Cited by Applicant (Use several sheets if necessary)			Applicant C. Frank Bennett, et al.			
U.S. Department of Commerce Patent and Trademark Office			Filing Date October 31, 2003	Group Not Yet Assigned		
			Confirmation No. Not Yet Assigned			
U. S. PATENT DOCUMENTS						
Examiner Initial		Document No.	Date	Name	Class	Subclass
	261	5,824,485	10/20/98	Thompson et al.	435	6
	262	5,859,221	01/12/99	Cook, et al.	536	23.1
	263	5,901,069	05/04/99	Agrafiotis, et al.	364	528.03
	264	5,955,589	09/21/99	Cook, et al.	536	23.1
	265	6,016,348	01/18/00	Blatter, et al.	380	5
	266	6,197,584	03/06/01	Bennett, et al.	435	366
	267	US 6,295,514 B1	09/25/01	Agrafiotis, et al.	703	12
	268	US 6,421,612	07/16/02	Agrafiotis, et al.	702	19
	269	US 6,434,490 B1	08/13/02	Agrafiotis, et al.	702	27
	270	6,016,348	01/18/00	Blatter, et al.	380	5
	271	US 6,295,514 B1	09/25/01	Agrafiotis, et al.	703	12
	272	US 6,421,612	07/16/02	Agrafiotis, et al.	702	19
	273	US 6,434,490 B1	08/13/02	Agrafiotis, et al.	702	27
	274	US 6,453,246 B1	09/17/02	Agrafiotis, et al.	702	27
	275	US 6,506,784 B1	01/14/03	Dhanoa, et al.	514	407
	276	US 6,518,266 B1	02/11/03	Dhanoa, et al.	514	229.2
	277	US 6,571,227 B1	05/27/03	Agrafiotis, et al.	706	15
EXAMINER			DATE CONSIDERED			



Form PTO-1449 Modified		Docket No. ISIS-5315	Application No. 10/698,689
List of Patent and Publications Cited by Applicant (Use several sheets if necessary)		Applicant C. Frank Bennett, et al.	
U.S. Department of Commerce Patent and Trademark Office		Filing Date October 31, 2003	Group Not Yet Assigned
		Confirmation No. Not Yet Assigned	

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Examiner Initial		Document No.	Date	Name	Class	Subclass
	278	US6,593,292 B1	07/15/03	Rothbard, et al.	514	2
	279	08/465,880	06/06/95	Cook		
	280	08/468,037	06/06/95	Cook et al.		
	281	08/762,488	12/01/96	Cook et al.		
	282	2002/0049173 A1	04/25/02	Bennett, et al.	48	00
	283	5,539,083	07/23/96	Cook, et al.	530	333
	284	5,591,721	01/07/97	Agrawal, et al.	514	44
	285	5,641,625	06/24/97	Ecker, et al.	435	6
	286	5,766,855	06/16/98	Buchardt, et al.	435	6
	287	5,773,571	03/30/98	Nielsen, et al.	530	300
	288	5,786,461	07/28/98	Buchardt, et al.	536	18.7
	289	5,831,014	11/03/98	Cook, et al.	530	350
	290	5,969,116	10/19/99	Martin	536	22.1
	291	5,986,053	11/16/99	Ecker, et al.	530	350
	292	5,864,010	01/26/99	Cook, et al.	530	300
	293	6,143,881	11/07/00	Metelev, et al.	536	24.5
	294	6,201,103	03/13/01	Nielsen, et al.	530	300
EXAMINER			DATE CONSIDERED			



Form PTO-1449 Modified			Docket No. ISIS-5315	Application No. 10/698,689		
List of Patent and Publications Cited by Applicant (Use several sheets if necessary)			Applicant C. Frank Bennett, et al.			
			Filing Date October 31, 2003	Group Not Yet Assigned		
			Confirmation No. Not Yet Assigned			
U. S. PATENT DOCUMENTS						
Examiner Initial		Document No.	Date	Name	Class	Subclass
	295	US 6,204,326 B1	03/20/01	Cook, et al.	525	54.11
	296	US 6,210,892 B1	04/03/01	Bennett, et al.	435	6
	297	US 6,228,982 B1	05/08/01	Norden, et al.	530	300
	298	US 6,346,614 B1	02/12/02	Metelev, et al.	536	25.3
	299	US 6,350,853 B1	02/26/02	Nielsen, et al.	530	300
	300	US 6,395,474 B1	05/28/02	Buchardt, et al.	435	6
	301	US 6,399,754 B1	06/04/02	Cook	536	23.1
	302	US 6,414,112 B1	07/02/02	Buchardt, et al.	530	300
	303	US 6,441,130 B1	08/27/02	Egholm, et al.	530	300
	304	US 6,451,968 B1	09/17/02	Egholm, et al.	530	300
	305	2002/00-49173-A1	04/25/02			
EXAMINER			DATE CONSIDERED			



Form PTO-1449 Modified		Docket No. ISIS-5315	Application No. 10/698,689
List of Patent and Publications Cited by Applicant (Use several sheets if necessary)		Applicant C. Frank Bennett, et al.	
U.S. Department of Commerce Patent and Trademark Office		Filing Date October 31, 2003	Group Not Yet Assigned
		Confirmation No. Not Yet Assigned	

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	306	WO 86/07363 (claims only included)	12/18/86	PCT		
	307	WO 89/10977	11/16/89	PCT		
	308	WO 93/04204	03/04/93	PCT		
	309	WO 94/02499	02/03/94	PCT		
	310	WO 94/17093	08/04/94	PCT		
	311	WO 95/28640	10/26/95	PCT		
	312	WO 98/03533	01/29/98	PCT		
	313	WO 98/37242	08/27/98	PCT		
	314	WO 99/57320	11/11/99	PCT		
	315	0 514 927	11/1992	EPO		
	316	WO 92/20702	11/26/92	PCT		
	317	WO 94/02498	02/03/94	PCT		
	318	WO 01/27261 A2	04/19/01	PCT		
	319	0 650 493 B1	05/03/95	EPO		
EXAMINER				DATE CONSIDERED		